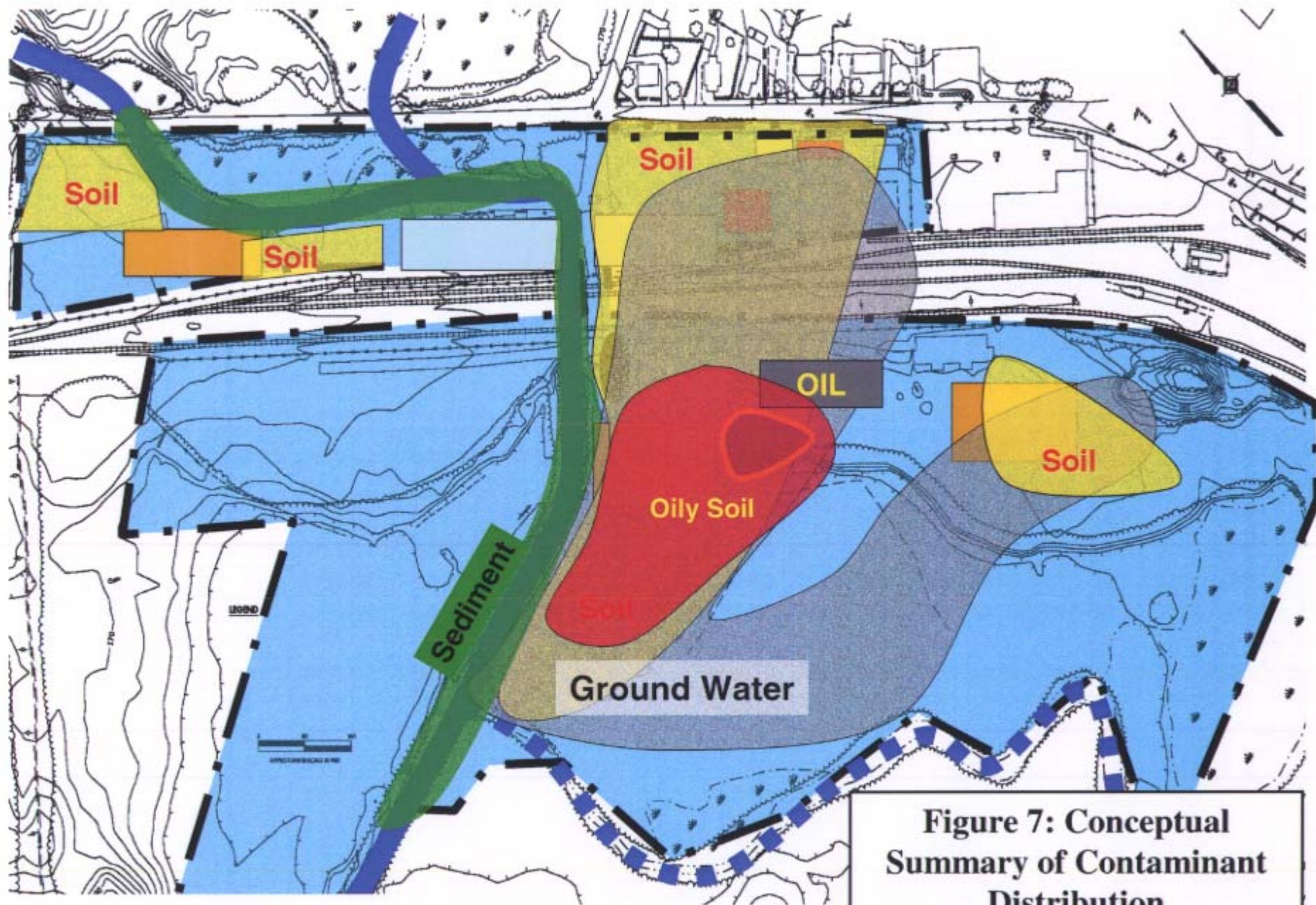


Figure 6: Potential Primary Contaminant Source Areas
Hatheway & Patterson Superfund Site,
Mansfield, Massachusetts



**Figure 7: Conceptual
Summary of Contaminant
Distribution**

Hatheway & Patterson Superfund Site,
Mansfield, Massachusetts

SECTION 2 - REUSE STATUS

This section outlines the status of Site reuse and associated issues. From a reuse perspective, the Site has been divided into two areas. The first area is referred to as the "Mansfield Parcels" and includes the eight parcels owned by the Town of Mansfield. These include Lots 230, 231, 232/233, 234, and 235 on Assessors Map 18; and Lots 210 and 220 on Assessors Map 19 (see Figure 8). The Mansfield Parcels are further subdivided into Mansfield North and Mansfield South, which are the Mansfield properties located north and south of the railway right-of-way, respectively. The small parcel located in the Town of Foxborough is referred to as the "Foxborough Parcel." The parcel in Foxborough is Lot 4060, on Assessors Plan, Sheet No. 158 (see Figure 8).

► Mansfield Parcels

(majority of former operational areas and buildings)

Location: Parcels comprising 5.1 acres located north of the railroad tracks (Mansfield North) and 31.3 acres located south of the railroad tracks (Mansfield South)

Mansfield North (Map 19: Lot 210 and 220)

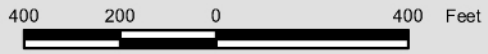
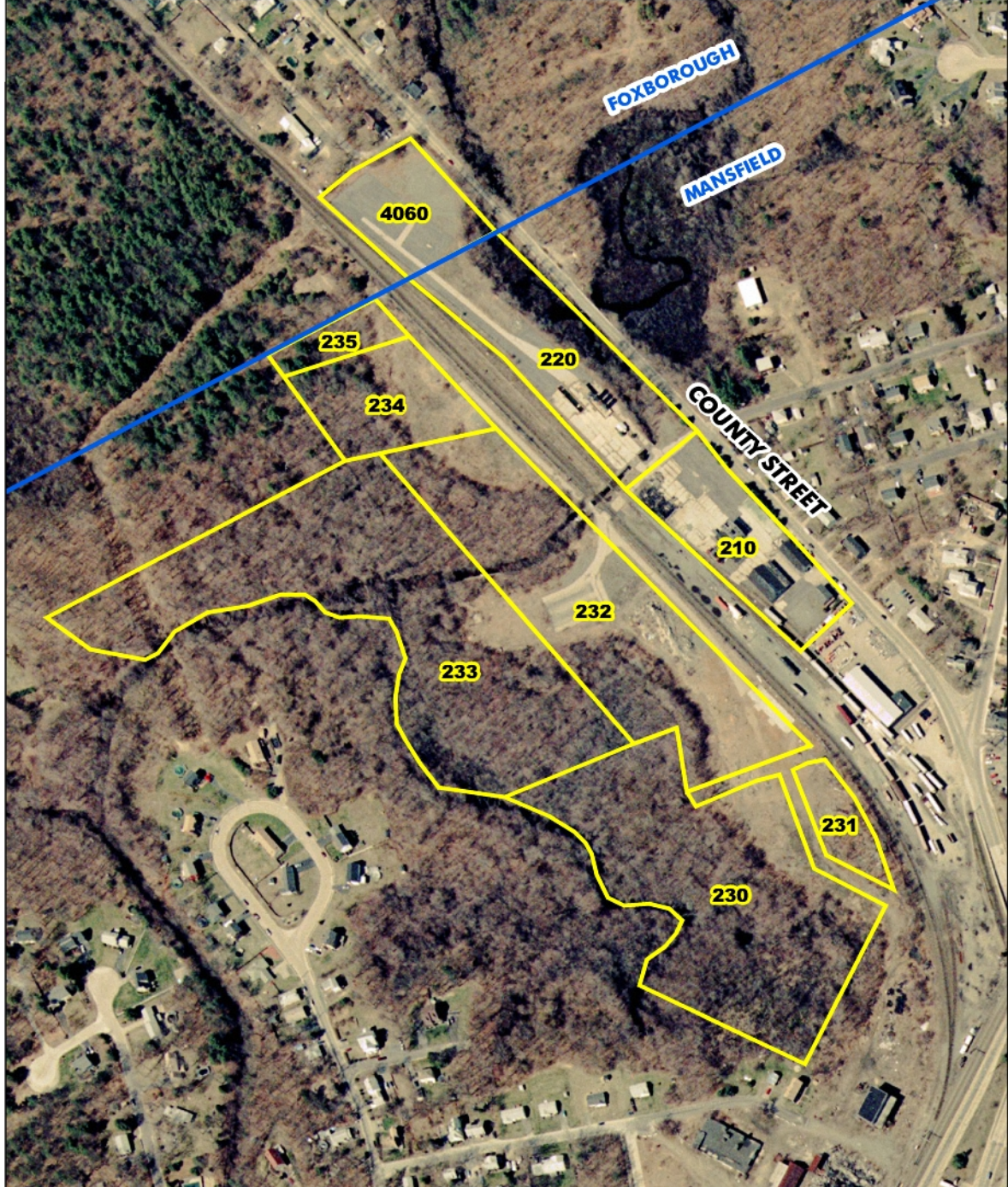
Mansfield North consists of two parcels, comprising approximately 5.1 acres. The parcels are owned by the Town of Mansfield, which acquired them through a tax foreclosure in 2001. This land is in a mixed-use industrial district (I-3).



Access to these parcels is from County Street. County Street is a two-lane road, providing one lane in each direction. This portion of the Site contains the majority of the former Site operations and buildings. The process area of the Site is fenced. There is a two-story office building that contains approximately 6,500 square feet of office space. The office building is in good condition. There is also a laboratory, three outdoor drip pads; several support buildings, and at least four underground storage tanks. The terrain is relatively level and includes areas of pavement and concrete as well as bare ground. The parcels have access to existing infrastructure on County Street, including electric, water, and sewer.



The existing two-story building is in good condition.

C:\a-GIS\02136_Hatheway\mxd\parcel.mxd



-  Town Boundary
-  Parcel

Aerial 1:5000 Color Digital Ortho Image, 1/2 meter resolution
obtained from MassGIS, EOEI. Date of photo: April 2001.



Boott Mills South
Foot of John Street
Lowell, MA 01852
978-970-5600

FIGURE 8
TAX MAP PARCELS
HATHEWAY AND PATTERSON
NPL SUPERFUND SITE
MANSFIELD, MA

The Rumford River runs through these parcels. A good portion of the property is located in the "riverfront area" as defined by 310 CMR 10.00, the Massachusetts Wetlands Protection Act Regulations (see Figure 2).

Mansfield South (Map 18: Lots 230, 231, 232, 233, 234, and 235)

The Mansfield South area consists of six parcels comprising 31.3 acres. The Town of Mansfield acquired this property in 2001 through a tax foreclosure. The western portion of this property was formerly used by HPC to store treated wood, and the eastern portion contains concrete drip pads. Two significant rock outcrops rise above grade south of the railroad tracks and east of the river.

A good portion of this area consists of wetlands and is located in the 100-year floodplain (see Figures 3 and 4). The Rumford River backwash channel borders the parcel to the south.



There is no existing public way access to this set of parcels. Access is from the railway right-of-way. The status of the easement, which allows access across the right-of-way, is unknown.

There is no existing public way access to the parcels south of the railroad tracks.

The Town of Mansfield Tax Assessor's Map 18 shows a proposed road easement adjacent to and between Lots 230, 231, and 232.

Current Uses

The Town of Mansfield owns all of the Mansfield Parcels. The Town allows the Mansfield Emergency Management Agency to use the office building, and also the garage for storage of emergency vehicles on the Mansfield North parcels. The remainder of the property is unoccupied.

Potential Future Uses

Town of Mansfield officials are extremely interested in the future reuse of the Site and have had several meetings to date on this topic. The Town of Mansfield's major goal is to get the site back on the tax rolls (EPA, 2003). Mansfield would also like to take advantage of the close proximity of the Site to

the rail lines. Future Site reuse scenarios discussed by Town of Mansfield representatives include (EPA, 2003):

- x Mixed uses including residences (multi-family), retail, or increased parking for commuters. The possibility of a childcare facility may also be considered.
- x The possibility of a personal storage facility may be considered.
- x The Town of Mansfield's MBTA commuter lot, located on Winthrop Avenue, provides a constant stream of revenue for the Town of Mansfield. Creating additional parking is appealing to the Town of Mansfield; however, many residents do not want Mansfield to become a "transportation hub" and would be concerned with an increase in traffic on the local roads (EPA, 2003).
- x CSX Corporation has expressed interest to the Town of Mansfield in picking up a freight business should a future use involve bringing in new industry.

At the request of the Greater Attleboro-Taunton Regional Transit Authority, the Southeastern Regional Planning and Economic Development District (SRPEDD) conducted a survey of commuters from the Mansfield MBTA station in March 1999. The purpose of the survey was to gain information about and feedback from commuters who use the station as part of the station's improvement project. Of the 1,250 surveys distributed in Mansfield, 648 or 52 percent were completed and collected. Of these, 54 percent of the commuters live in Mansfield, with 26 percent of these respondents live within walking distance from the station. Twenty-eight of the respondents were from Norton and Foxborough. One of the survey questions asked commuters what services they would like to see developed in conjunction with the station improvement project. The following were the most popular answers: 1) coffee shop, 2) convenience store, 3) dry cleaning, and 4) health club. Many respondents also indicated that additional parking was the most important service that could be provided.

The Hatheway and Patterson Superfund Site appears to have numerous attributes that would support future re-use and redevelopment:

- x The majority of the site is zoned for Industrial Mixed Use (I-3).
- x The Town of Mansfield owns the majority of the Site and according to Town officials, wants re-development of the site to get it back on the tax roll (EPA, 2003).

- x A good portion of the Site has flat topography, and large buildable open space.
- x The Site has access to basic infrastructure, including water, electric, and sewer.
- x The Site is within walking distance from the MBTA Mansfield Station and Commuter Rail to Boston.
- x A transportation rail, operated by CSX Corporation, bisects the Site.
- x The Site is within 2 miles from two major interstate highways: Route I-95 and Route I-495, and has good surface road access.
- x The Site is relatively close to two major cities: Boston (24 miles), and Providence (18 miles).
- x The Site is close to two major airports (35 miles from Logan International Airport in Boston, and 35 miles from TF Green Airport in Warwick, Rhode Island).

Potential Use/Reuse Considerations

- x Site contamination, including elevated metals, PCP, and dioxin in soils; arsenic, PCP, and oil in ground water; and PCP, lead, and dioxin in sediments will require some form of remediation or action prior to the site being released for re-development.
- x There is no direct access to the Mansfield South parcels from an existing public way. Access is through the railway right-of-way. According to Town of Mansfield Officials, CSX will not allow access over the right-of-way (EPA, 2003). The legal status of the easement, which allows access across the railway right-of-way, needs to be determined.
- x The status of any liens and/or other easements on these parcels needs to be determined.
- x The Town of Mansfield has concerns regarding the Town's potential liability and its ability to sell/lease the property.
- x The Mansfield Parcels contain wetland resource areas, and thus the following should be considered.

- A full wetland delineation should be conducted to determine the extent of wetlands.
- Development within 100 feet of a wetland resource area would be subject to the Wetlands Protection Act and the Town of Mansfield Wetland Protection Bylaw. The Mansfield Bylaw restricts activities within 25 feet of any resource area ("no disturb zone"). The Mansfield Conservation Commission also reserves the right to prohibit or significantly condition, work between 25 and 50 feet away from any resource area. Any proposed work within these areas would need to be reviewed and approved by the Mansfield Conservation Commission through a filing of a Notice of Intent and issuance of an Order of Conditions. For work proposed 50 to 100 feet away from a resource area (except a vernal pool), the applicant may file a Request for Determination of Applicability. In addition, the Mansfield Bylaw restricts activity associated with the construction of new subdivisions or commercial/industrial projects within 100 feet of any Certified Vernal Pools.
- A good portion of the site is located in the 200-foot Riverfront Area as defined by the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00). (See Figure 2.) The regulations allow development in riverfront areas previously developed, provided the proposed work improves existing conditions. However, proposed work shall not be located closer to the Rumford River than existing disturbed conditions, or 100 feet, whichever is less. The undeveloped portion of the parcel would likely need to minimize disturbance within the 200-foot Riverfront Area.
- Any development proposed within the 100-year floodplain (regulated as Bordering Land Subject to Flooding under the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00) would need to comply with requirements concerning flood storage compensation, as well as possible replication of lost wildlife habitat function.
- x As part of their master planning, the Town of Mansfield is interested in acquiring two abutting properties: the Cleveland Twist site and the Clemmey Tank site. Town of Mansfield officials have indicated that the property owners are in litigation over ownership. (EPA, 2003)

Mr. Thomas Ditchman, owner of the Cleveland Twist site, had previously proposed a reuse plan for his property that involved commuter oriented

services including construction of a day care center and a train station. Although the Town of Mansfield viewed this as a “good plan,” negotiations between the owner and the MBTA ended without resolution. Mr. Ditchman is currently using the property for commuter parking. (EPA, 2003)

► **Foxborough Parcel**

Location: Parcel located north of railroad tracks in Foxborough (Sheet 158: Lot 4060)

The Foxborough Parcel consists of a 1.77-acre parcel and is in a Residential and Agricultural District (R-40). Hatheway and Patterson is the owner of record according to Town of Foxborough tax records. The parcel is relatively level, and open. There are no structures on this parcel. The parcel has frontage on County Street.

Current Uses

The parcel is currently unused.

Potential Future Uses

Unknown. The owner of record, Hatheway and Patterson Company, has dissolved. The Town of Foxborough currently has no plans for this property.

Potential Use/Reuse Considerations

- x Site contamination, including elevated metals, PCP, and dioxin in soils; arsenic, PCP, and oil in ground water; and PCP, lead, and dioxin in sediments will require some form of remediation or action prior to the site being released for re-development.
- x The status of any liens and/or easements on this parcel needs to be determined. The legal status of the easement, which allows access across the railway right-of-way, needs to be determined.
- x This parcel is in a Residential and Agricultural District (R-40). The owner of record is Hatheway and Patterson; however, this company has been dissolved. EPA should consult with the Town of Foxborough regarding the future disposition of this parcel.
- x Work proposed within 100 feet of wetlands on the Foxborough parcel would be subject to the Town of Foxborough Wetland and Ground Water Protection By-Law. In general, the Foxborough Wetland and Ground Water Protection By-Law prohibits activity within 25 feet of a bordering

vegetated wetland or inland bank. The By-Law also prohibits activity associated with the construction of new subdivisions, individual homes, or commercial/industrial projects within 100 feet of any certified vernal pool.

SECTION 3 - GENERAL FINDINGS AND RECOMMENDATIONS

Reasonably Anticipated Future Land Uses (RAFLUs)

The initial findings suggest that a wide-array of land uses can be reasonably anticipated for the Site at this time. These include commercial, industrial, residential, recreation, and passive recreation/conservation. To date, specific reuse proposals have not been prepared for either the Mansfield or Foxborough parcels.

- x The eight parcels in Mansfield that comprise the bulk of the property are currently zoned "mixed-use industrial (I-3)." This zoning designation allows for a range of uses from heavy manufacturing to multi-family dwellings to day care facilities. The Foxborough parcel is located in a residential and agricultural district (R-40), which could include low-density residential and agricultural-related uses.
- x The Town of Mansfield has high interest in the reuse and re-development of the Hatheway and Patterson Superfund Site.
- x Although Mansfield's most recent Master Plan encourages the expansion of its industrial and manufacturing base, the Town has made no decision to redevelop the Site for that purpose. In fact, Mansfield Town officials are considering a variety of options that could also include multi-family residences, commercial storage, and retail businesses, among others. These discussions are very preliminary at this stage, and no specific reuse proposals for the Site have been put forward.
- x None of the general categories of Site uses being considered by the Town appear to be incompatible with existing uses in the surrounding area, and therefore cannot be reasonably ruled out on that basis. Existing uses include commercial, industrial, and residential. Notably, residential neighborhoods are located immediately to the north, west, and south. The nearest residences are directly across County Street.
- x Preferences by the nearby residents and the general community regarding reuse of the Site have not been well established. A SRPEDD survey suggested potential support for certain retail/commercial businesses and additional parking facilities, but this survey was narrowly focused on the area immediately surrounding the MBTA station and may not necessarily apply to the Hatheway and Patterson property. Mansfield officials have also indicated that many residents may be concerned about increased traffic on local roadways.

To help the Town of Mansfield and enable EPA to develop a more accurate and complete understanding of likely future uses, EPA plans to award a Superfund Redevelopment Pilot to the Town of Mansfield to support a local reuse planning process for the Site. The Pilot will provide funding and technical assistance. It is expected to be in place by October 2003.

► **Site Control/Ownership**

Because the Town of Mansfield already owns much of the Hatheway and Patterson property, they are in a good position to reuse the Site in a manner that best addresses the Town of Mansfield's needs and ensures some certainty in the nature of those future uses. This will also allow EPA to work directly with the Town of Mansfield to ensure that the cleanup doesn't create any unnecessary barriers to those intended uses. Additionally, Mansfield ownership may attract developers who might otherwise be dissuaded by prospects of a lengthy acquisition process involving an abandoned property.

However, this is not the case for the Foxborough parcel. Hatheway and Patterson is currently the owner-of-record and EPA is unaware of any efforts by the Town of Foxborough to acquire it. Since this parcel may be a component of future redevelopment proposals, this issue may need to be considered as part of the Site-wide reuse planning process.

► **Superfund Liability Concerns**

Mansfield Town officials have already raised a number of questions relating to Superfund and Massachusetts General Laws Chapter 21E liability that could have a significant bearing on plans to reuse the Site. These are:

- x The Town of Mansfield's liability if they retain ownership and use the property for Town purposes or lease it to other parties.
- x A developer's liability if they acquire or lease the property. This issue could potentially impact the marketability of the property.
- x The Town of Mansfield's liability if they create a redevelopment authority to own and manage the property.

Other issues could also potentially arise from existing or future Superfund and State liens (including, the prospect of "windfall profits").

It will be important for EPA and MADEP to work with local officials to help clarify liability issues so that strategies for minimizing this potential barrier can be developed. Some of the available options include:

- x ***Statutory Exemptions.*** There are certain liability protections afforded under the Superfund statute and recent amendments, such as the Small Business Liability Relief and Brownfields Revitalization Act (commonly referred to as the “Brownfields Law”). Among the entities potentially covered are municipalities, lenders, and prospective purchasers.

Municipalities are generally not held liable for Superfund clean-up if they take ownership through what is termed an “involuntary acquisition,” such as a tax foreclosure. However, this liability protection is subject to certain conditions that need to be recognized by a municipality. For instance, a municipality could be responsible for cleanup costs arising from its activities that cause, or contribute to, the further release of hazardous substances (e.g., breaching a landfill cover, damaging a ground water treatment system, etc.). Also, a municipality cannot be a responsible party at the Superfund site.

- x ***Commercially-Available Insurance Products.*** There are a wide variety of insurance policies currently available. Although these products cannot eliminate Superfund liability, they can limit financial exposure and can be useful in securing loans from lending institutions. Typically, the premiums reflect the insurer’s perception of financial risk, so properties with contamination left in place may be expected to pay a higher cost for its coverage.
- x ***Ready-for-Reuse Determinations.*** EPA has recently implemented a new initiative whereby it can determine that all or certain portions of a Site are available for either “restricted” or “unrestricted” use. This determination and the specific nature of any restrictions (e.g., institutional controls, prohibited uses, etc.) are summarized in a supporting document that can be made available to property owners, developers and other interested parties. These determinations are intended to promote earlier use of Superfund sites.

Use Restrictions

While it is difficult to draw any firm conclusions at this early stage of the Superfund process, there is a possibility that institutional controls might be a component of the final Site cleanup. This becomes more likely if contaminated soils are left on-site or a groundwater plume remains. Oftentimes, these

institutional controls consist of land- or groundwater- restrictions, such as prohibitions or restrictions on excavation, which can create impediments to certain types of site reuse.

With sufficient knowledge of the intended uses, however, it may be possible to tailor the cleanup to accommodate those uses (for example, by consolidating contaminated soil away from areas of the Site where building construction is likely to occur). This may also result in institutional controls that are less onerous from the standpoint of Site reuse and, at the same time, are less likely to be compromised through future use activities.

This outcome can best be achieved from having a complete and reliable understanding of likely future uses. A coordinated reuse planning process for the Site will help ensure that result.

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